

that all applicable administrative actions and all required work of the grant has been completed.

(b) *Reports.* Within 90 days after the expiration or termination of the grant, the grantee must submit all financial, performance, and other reports required as a condition of the grant. Upon request by the grantee, Federal agencies may extend this timeframe. These may include but are not limited to:

(1) *Final performance or progress report.*

(2) *Financial Status Report (SF 269) or Outlay Report and Request for Reimbursement for Construction Programs (SF-271) (as applicable).*

(3) *Final request for payment (SF-270) (if applicable).*

(4) *Invention disclosure (if applicable).*

(5) *Federally-owned property report:*

In accordance with § 143.32(f), a grantee must submit an inventory of all federally owned property (as distinct from property acquired with grant funds) for which it is accountable and request disposition instructions from the Federal agency of property no longer needed.

(c) *Cost adjustment.* The Federal agency will, within 90 days after receipt of reports in paragraph (b) of this section, make upward or downward adjustments to the allowable costs.

(d) *Cash adjustments.* (1) The Federal agency will make prompt payment to the grantee for allowable reimbursable costs.

(2) The grantee must immediately refund to the Federal agency any balance of unobligated (unencumbered) cash advanced that is not authorized to be retained for use on other grants.

§ 143.51 Later disallowances and adjustments.

The closeout of a grant does not affect:

(a) The Federal agency's right to disallow costs and recover funds on the basis of a later audit or other review;

(b) The grantee's obligation to return any funds due as a result of later refunds, corrections, or other transactions;

(c) Records retention as required in § 143.42;

(d) Property management requirements in §§ 143.31 and 143.32; and

(e) Audit requirements in § 143.26.

§ 143.52 Collection of amounts due.

(a) Any funds paid to a grantee in excess of the amount to which the grantee is finally determined to be entitled under the terms of the award constitute a debt to the Federal Government. If not paid within a reasonable period after demand, the Federal agency may reduce the debt by:

(1) Making an administrative offset against other requests for reimbursements,

(2) Withholding advance payments otherwise due to the grantee, or

(3) Other action permitted by law.

(b) Except where otherwise provided by statutes or regulations, the Federal agency will charge interest on an overdue debt in accordance with the Federal Claims Collection Standards (4 CFR Ch. II). The date from which interest is computed is not extended by litigation or the filing of any form of appeal.

Subpart E—Entitlements [Reserved]

PART 145—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

145.25 How is this part organized?

145.50 How is this part written?

145.75 Do terms in this part have special meanings?

Subpart A—General

145.100 What does this part do?

145.105 Does this part apply to me?

145.110 What is the purpose of the non-procurement debarment and suspension system?

145.115 How does an exclusion restrict a person's involvement in covered transactions?

145.120 May we grant an exception to let an excluded person participate in a covered transaction?

145.125 Does an exclusion under the non-procurement system affect a person's eligibility for Federal procurement contracts?

145.130 Does exclusion under the Federal procurement system affect a person's eligibility to participate in nonprocurement transactions?

- 145.135 May the SBA exclude a person who is not currently participating in a non-procurement transaction?
- 145.140 How do I know if a person is excluded?
- 145.145 Does this part address persons who are disqualified, as well as those who are excluded from nonprocurement transactions?

Subpart B—Covered Transactions

- 145.200 What is a covered transaction?
- 145.205 Why is it important to know if a particular transaction is a covered transaction?
- 145.210 Which nonprocurement transactions are covered transactions?
- 145.215 Which nonprocurement transactions are not covered transactions?
- 145.220 Are any procurement contracts included as covered transactions?
- 145.225 How do I know if a transaction in which I may participate in is a covered transaction?

Subpart C—Responsibilities of Participants Regarding Transactions

DOING BUSINESS WITH OTHER PERSONS

- 145.300 What must I do before I enter into a covered transaction with another person at the next lower tier?
- 145.305 May I enter into a covered transaction with an excluded or disqualified person?
- 145.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?
- 145.315 May I use the services of an excluded person as a principal under a covered transaction?
- 145.320 Must I verify that principals of my covered transactions are eligible to participate?
- 145.325 What happens if I do business with an excluded person in a covered transaction?
- 145.330 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

DISCLOSING INFORMATION—PRIMARY TIER PARTICIPANTS

- 145.335 What information must I provide before entering into a covered transaction with the SBA?
- 145.340 If I disclose unfavorable information required under §145.335, will I be prevented from participating in the transaction?
- 145.345 What happens if I fail to disclose the information required under §145.335?
- 145.350 What must I do if I learn of the information required under §145.335 after

entering into a covered transaction with the SBA?

DISCLOSING INFORMATION—LOWER TIER PARTICIPANTS

- 145.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?
- 145.360 What happens if I fail to disclose the information required under §145.355?
- 145.365 What must I do if I learn of information required under §145.355 after entering into a covered transaction with a higher tier participant?

Subpart D—Responsibilities of SBA Officials Regarding Transactions

- 145.400 May I enter into a transaction with an excluded or disqualified person?
- 145.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?
- 145.410 May I approve a participant's use of the services of an excluded person?
- 145.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?
- 145.420 May I approve a transaction with an excluded or disqualified person at a lower tier?
- 145.425 When do I check to see if a person is excluded or disqualified?
- 145.430 How do I check to see if a person is excluded or disqualified?
- 145.435 What must I require of a primary tier participant?
- 145.440 What method do I use to communicate those requirements to participants?
- 145.445 What action may I take if a primary tier participant knowingly does business with an excluded or disqualified person?
- 145.450 What action may I take if a primary tier participant fails to disclose the information required under §145.335?
- 145.455 What may I do if a lower tier participant fails to disclose the information required under §145.355 to the next higher tier?

Subpart E—Excluded Parties List System

- 145.500 What is the purpose of the Excluded Parties List System (EPLS)?
- 145.505 Who uses the EPLS?
- 145.510 Who maintains the EPLS?
- 145.515 What specific information is in the EPLS?
- 145.520 Who places the information into the EPLS?
- 145.525 Whom do I ask if I have questions about a person in the EPLS?
- 145.530 Where can I find the EPLS?

Subpart F—General Principles Relating to Suspension and Debarment Actions

- 145.600 How do suspension and debarment actions start?
- 145.605 How does suspension differ from debarment?
- 145.610 What procedures does the SBA use in suspension and debarment actions?
- 145.615 How does the SBA notify a person of a suspension and debarment action?
- 145.620 Do Federal agencies coordinate suspension and debarment actions?
- 145.625 What is the scope of a suspension or debarment action?
- 145.630 May the SBA impute the conduct of one person to another?
- 145.635 May the SBA settle a debarment or suspension action?
- 145.640 May a settlement include a voluntary exclusion?
- 145.645 Do other Federal agencies know if the SBA agrees to a voluntary exclusion?

Subpart G—Suspension

- 145.700 When may the suspending official issue a suspension?
- 145.705 What does the suspending official consider in issuing a suspension?
- 145.710 When does a suspension take effect?
- 145.715 What notice does the suspending official give me if I am suspended?
- 145.720 How may I contest a suspension?
- 145.725 How much time do I have to contest a suspension?
- 145.730 What information must I provide to the suspending official if I contest a suspension?
- 145.735 Under what conditions do I get an additional opportunity to challenge the facts on which the suspension is based?
- 145.740 Are suspension proceedings formal?
- 145.745 How is fact-finding conducted?
- 145.750 What does the suspending official consider in deciding whether to continue or terminate my suspension?
- 145.755 When will I know whether the suspension is continued or terminated?
- 145.760 How long may my suspension last?
- 145.765 How may I appeal my suspension?

Subpart H—Debarment

- 145.800 What are the causes for debarment?
- 145.805 What notice does the debarring official give me if I am proposed for debarment?
- 145.810 When does a debarment take effect?
- 145.815 How may I contest a proposed debarment?
- 145.820 How much time do I have to contest a proposed debarment?
- 145.825 What information must I provide to the debarring official if I contest a proposed debarment?
- 145.830 Under what conditions do I get an additional opportunity to challenge the

facts on which the proposed debarment is based?

- 145.835 Are debarment proceedings formal?
- 145.840 How is fact-finding conducted?
- 145.845 What does the debarring official consider in deciding whether to debar me?
- 145.850 What is the standard of proof in a debarment action?
- 145.855 Who has the burden of proof in a debarment action?
- 145.860 What factors may influence the debarring official's decision?
- 145.865 How long may my debarment last?
- 145.870 When do I know if the debarring official debars me?
- 145.875 May I ask the debarring official to reconsider a decision to debar me?
- 145.880 What factors may influence the debarring official during reconsideration?
- 145.885 May the debarring official extend a debarment?
- 145.890 How may I appeal my debarment?

Subpart I—Definitions

- 145.900 Adequate evidence.
- 145.905 Affiliate.
- 145.910 Agency.
- 145.915 Agent or representative.
- 145.920 Civil judgment.
- 145.925 Conviction.
- 145.930 Debarment.
- 145.935 Debarring official.
- 145.940 Disqualified.
- 145.945 Excluded or exclusion.
- 145.950 Excluded Parties List System.
- 145.955 Indictment.
- 145.960 Ineligible or ineligibility.
- 145.965 Legal proceedings.
- 145.970 Nonprocurement transaction.
- 145.975 Notice.
- 145.980 Participant.
- 144.985 Person.
- 145.990 Preponderance of the evidence.
- 145.995 Principal.
- 145.1000 Respondent.
- 145.1005 State.
- 145.1010 Suspending official.
- 145.1015 Suspension.
- 145.1020 Voluntary exclusion or voluntarily excluded.

Subpart J [Reserved]**APPENDIX TO PART 145—COVERED TRANSACTIONS**

AUTHORITY: 5 U.S.C. 301 *et seq.*; 15 U.S.C. 631 *et seq.*; Sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 11738, 3 CFR, 1973 Comp., p. 799; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 3 CFR, 1989 Comp., p. 235.

SOURCE: 68 FR 66544, 66570, Nov. 26, 2003, unless otherwise noted.

§ 145.25 How is this part organized?

(a) This part is subdivided into ten subparts. Each subpart contains information related to a broad topic or specific audience with special responsibilities, as shown in the following table:

In subpart . . .	You will find provisions related to . . .
A	general information about this rule.
B	the types of SBA transactions that are covered by the Governmentwide nonprocurement suspension and debarment system.
C	the responsibilities of persons who participate in covered transactions.
D	the responsibilities of SBA officials who are authorized to enter into covered transactions.
E	the responsibilities of Federal agencies for the <i>Excluded Parties List System</i> (Disseminated by the General Services Administration).
F	the general principles governing suspension, debarment, voluntary exclusion and settlement.
G	suspension actions.
H	debarment actions.
I	definitions of terms used in this part.
J	[Reserved]

(b) The following table shows which subparts may be of special interest to you, depending on who you are:

If you are . . .	See subpart(s) . . .
(1) a participant or principal in a non-procurement transaction.	A, B, C, and I.
(2) a respondent in a suspension action	A, B, F, G and I.
(3) a respondent in a debarment action	A, B, F, H and I.
(4) a suspending official	A, B, D, E, F, G and I.
(5) a debarring official	A, B, D, E, F, H and I.
(6) a (n) SBA official authorized to enter into a covered transaction.	A, B, D, E and I.
(7) Reserved	J.

§ 145.50 How is this part written?

(a) This part uses a “plain language” format to make it easier for the general public and business community to use. The section headings and text, often in the form of questions and answers, must be read together.

(b) Pronouns used within this part, such as “I” and “you,” change from subpart to subpart depending on the audience being addressed. The pronoun “we” always is the SBA.

(c) The “Covered Transactions” diagram in the appendix to this part shows the levels or “tiers” at which the SBA enforces an exclusion under this part.

§ 145.75 Do terms in this part have special meanings?

This part uses terms throughout the text that have special meaning. Those terms are defined in Subpart I of this part. For example, three important terms are—

(a) *Exclusion or excluded*, which refers only to discretionary actions taken by a suspending or debarring official under this part or the Federal Acquisition Regulation (48 CFR part 9, subpart 9.4);

(b) *Disqualification or disqualified*, which refers to prohibitions under specific statutes, executive orders (other than Executive Order 12549 and Executive Order 12689), or other authorities. Disqualifications frequently are not subject to the discretion of an agency official, may have a different scope than exclusions, or have special conditions that apply to the disqualification; and

(c) *Ineligibility or ineligible*, which generally refers to a person who is either excluded or disqualified.

Subpart A—General

§ 145.100 What does this part do?

This part adopts a governmentwide system of debarment and suspension for SBA nonprocurement activities. It also provides for reciprocal exclusion of persons who have been excluded under the Federal Acquisition Regulation, and provides for the consolidated listing of all persons who are excluded, or disqualified by statute, executive order, or other legal authority. This part satisfies the requirements in section 3 of Executive Order 12549, “Debarment and Suspension” (3 CFR 1986 Comp., p. 189), Executive Order 12689, “Debarment and Suspension” (3 CFR 1989 Comp., p. 235) and 31 U.S.C. 6101 note (Section 2455, Public Law 103–355, 108 Stat. 3327).

§ 145.105 Does this part apply to me?

Portions of this part (see table at § 145.25(b)) apply to you if you are a(n)—

(a) Person who has been, is, or may reasonably be expected to be, a participant or principal in a covered transaction;